

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of:

Sanchez et al.

Patent No.: 5,635,235

Date of Patent: June 3, 1997

Serial No.: 09/753,171

For: METHODS FOR HANDLING MASA

Examiner: (Unassigned)

Group Art Unit: 1761

Costa Mesa, California

October 26, 2004

PETITION TO ACCEPT REISSUE APPLICATION DECLARATIONS OF NON-SIGNING INVENTORS VICTOR SANCHEZ AND ALBERTO CEJA PURSUANT TO 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the accompanying Request for Continued Examination, and in view of the Decision on Appeal pertaining to the above-identified application for the reissue of U.S. Patent No. 5,635,235 (the "'235 Patent"), Casa Herrera, Inc. ("Applicant"), assignee of the '235 Patent, hereby petitions for acceptance of the REISSUE APPLICATION DECLARATION BY THE INVENTORS of non-signing inventors Victor Sanchez and Alberto Ceja. The REISSUE APPLICATION DECLARATION BY THE INVENTOR executed by Rigoberto Anguiano is separately submitted.

The invention is directed to methods for handling masa. Victor R. Sanchez, Alberto Ceja, and Rigoberto Anguiano were the inventors of the '235 Patent. The

individual inventors originally assigned the '235 Patent to Machine Masters, Inc., which later declared bankruptcy. Applicant purchased the '235 Patent from Howard Ehrenberg, the Trustee in Bankruptcy for Machine Masters, Inc. Proof of these assignments can be found in the records of the U.S. Patent and Trademark Office. These assignments were recorded on June 16, 1994 and May 17, 1999 at reel 7069, frame 0592 and reel 9950, frame 0534, respectively.

The omitted inventors and their last known addresses:

Victor Sanchez
14214 Edgehill Court
Fontana, CA 92337-1019

Alberto Ceja
9528 E. Nan Street
Pico Rivera, CA 900660

On September 30, 2004, a letter was sent by certified U.S. mail, with return receipt requested, to the above-identified inventors requesting the inventors review the specification, drawings, and claims and to execute the REISSUE APPLICATION DECLARATION BY THE INVENTORS. Attached are true and correct copies of:

- 1) the letter sent to Mr. Victor Sanchez, identified as Exhibit 1;
- 2) an unexecuted REISSUE APPLICATION DECLARATION BY THE INVENTOR enclosed in the letter to Mr. Victor Sanchez, identified as Exhibit 2;
- 3) the letter sent to Mr. Alberto Ceja, identified as Exhibit 3;
- 4) an unexecuted REISSUE APPLICATION DECLARATION BY THE INVENTOR enclosed in the letter to Mr. Alberto Ceja, identified as Exhibit 4;

5) the specification, amendments and drawings enclosed with the letters to Mr. Sanchez and Mr. Alberto Ceja as Exhibits A to D, collectively identified as Exhibit 5.

Mr. Victor Sanchez and Mr. Alberto Ceja have not responded by mailing back an executed REISSUE APPLICATION DECLARATION BY THE INVENTOR.

It is necessary for Casa Herrera, Inc., the present assignee of the '235 Patent, to make a reissue application on behalf of Mr. Victor Sanchez and Mr. Alberto Ceja because they have refused to execute the declaration regarding certain elements in the claims which were too narrowly drafted. Specifically, claims directed to a hopper are too narrow. Applicant seeks to remedy this error as allowed by the scope of the original specification without adding new matter.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 223131-1450 on

²⁷
October 26, 2004

by Eric Hoover


Signature

²⁷
October 26, 2004

Respectfully submitted,



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